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It further provides that the county must have voted "for license" at the last general election on that subject. Also, that the petition, together with all names and addresses on it, must first be published in at least two issues of some newspaper published in the town where the petition was circulated, for at least ten days before the petition is acted upon. Any officer authorized to issue licenses violating the provisions of this act is liable to a fine of from \$500 to \$1000 and imprisonment in the county jail for from two to twelve months. The act does not repeal any local laws forbidding the sale of liquor, but is cumulative to all anti-liquor laws now in force.

The final section is: "This Act being necessary for the public peace, health, and safety, shall take effect and be in force from and after December 31, 1913." The postponement of the time for going into effect was made in order not to interfere with licenses already issued and to give the liquor dealers time to adjust themselves to the provisions of the act. But the liquor people denied that the emergency clause could be attached to an act the operation of which was postponed nearly a year. They called attention to the omission of the word "immediate," and declared that the postponement was in itself sufficient evidence that it was not necessary for the "immediate preservation of the public health, peace and safety." A petition for reference was circulated and the necessary number of signatures was secured. The attorney-general was first asked for his opinion as to whether the act was subject to the referendum. That officer stated that he could find no precedent for such a case. Basing his decision on reason and common sense he declared the act not subject to the referendum. The circuit court was then asked for a writ of mandamus against the secretary of state to compel him to submit the act, but the court refused to grant it, saying that the attachment of the emergency clause was evidence that the legislature intended to prevent its submission. At this writing the question is pending on appeal before the supreme court.

DAVID Y. THOMAS,  
*University of Arkansas.*

**The Illinois Legislature:** The forty-eighth general assembly of the State of Illinois, which met January 1, 1913, and adjourned June 30, has established a record for the longest continuous legislative session in the State. But the results of the session have not been commensurate with its length. Owing to the absence of a clear party majority in either house, the organization of both houses was delayed. The house of rep-

representatives did not elect a speaker for nearly a month; a second month was spent in a protracted deadlock over the election of United States Senators; and many of the house committees were not appointed until nearly three months after the assembly first met. Under these circumstances, and with no coherent control over the legislature throughout the session, it is not surprising that the new legislation of importance is not altogether harmonious; and it is rather a matter of congratulation that as much was accomplished as has been done.

In the absence of any official legislative reference or bill drafting bureau, active assistance in the preparation of bills recommended by the governor was given by several members of the faculty of the University of Illinois. The new house rule giving precedence to administration measures (see this REVIEW, vol. vii, p. 239) was utilized to some extent; but a number of administration measures were not reported from committees and others failed in one or the other house.

*Woman Suffrage:* One of the most important measures enacted is that granting to women the right to vote for presidential electors and for town, city and village officials. The constitution of Illinois limits the voting privilege for constitutional officers to men; but women had previously been granted the suffrage for school elections and for trustees of the state university. The purpose of the measure passed this year was to extend woman suffrage to all offices created by statute, which is as much as can be done without an amendment to the state constitution. In fact, there are some omissions of statutory offices in the bill, but it covers most of the offices of this class. For state officers, members of the legislature and most county officers the constitutional restrictions limiting voting to men will still apply. The woman suffrage bill was signed by Governor Dunne in the face of objections that specific amendments to the election law may be necessary to make the measure effective; and this point remains to be tested in the courts.

*Public Utilities.* There was general agreement in favor of legislation for the regulation of public utilities; but a marked difference of opinion as to the methods of regulation. A committee of the senate, appointed at the previous session, had conducted an investigation of the subject, and during the session submitted a majority report in favor of a new state commission, in addition to the existing railroad and warehouse commission, to control other public utilities. A minority report favored a state commission to take over the functions of the railroad commission and to regulate other interurban utilities, but proposed a city commission appointed by the mayor to regulate all public utilities

within the city of Chicago, and gave other cities over 20,000 population the option of local control of urban utilities or of surrendering this control to the state commission.

Governor Dunne in his inaugural message advocated a state commission to regulate capitalization and accounts of all public utilities, with control over rates and services for interurban utilities, but favored municipal home rule, for the regulation of rates and services of urban utilities, such as street railroads, and light, water and telephone plants within cities.

Bills were introduced, representing each of these ideas—the administration measure being drafted by members of the University of Illinois faculty, in coöperation with Professor E. W. Bemis and others. As a result of various conferences, the administration bill was revised in committee. As reported to the house, it provided for a state commission of five members, to replace the railroad and warehouse commission, to regulate accounts and capitalization of all public utility companies, and to regulate rates and services of all steam railroads and other interurban utility companies; while a separate article provided for municipal regulation of rates and services of urban utilities, with provisions for the surrender of municipal powers to the state commission.

In the house of representatives, the article on local utilities was stricken out, leaving the state commission with full powers over all public utility companies. The senate amended the bill as it came from the house by reinserting the article for municipal control of local utilities and striking out the provisions for the approval of stock and bond issues by the state commission. The house refused to concur in these amendments; and in the closing hours of the session the senate receded from its amendments.

The bill, without the provisions for municipal regulation of local utilities, was passed by the aid of some of the governor's supporters, with those who had favored the single state commission, but was strongly opposed by many of the members of all parties. While the bill was in the hands of the governor, strong protests were presented from Chicago and some other cities, asking the governor to veto the bill because of the loss of the municipal home rule provisions. The opposition from Chicago was most vigorous, as that city had been granted power to regulate rates of lighting and telephone companies, and had developed a large measure of regulation through the power to grant franchises. The governor signed the bill, as the only method of ensuring adequate regulation of public utilities.

As enacted, the public utilities law which goes into effect January 1, 1914, follows the main principles of the Wisconsin law; but with some important differences. Instead of supplementing the former railroad law, the new act lays down a uniform system of regulation for all classes of public utility companies; but it exempts all municipal plants, even from the provisions as to reports and accounts. There is, moreover, no provisions for indeterminate franchises; and the existing power of cities to grant franchises remains, subject to the requirement of a certificate of convenience and necessity from the state commission in the case of new undertakings. The authority of the state commission to regulate accounts, capitalization, rates and services is conferred in broad and far reaching terms; and the administrative provisions governing the procedure before the commission and the judicial review of the commission's orders have been worked out with unusual care, although the court review has been somewhat enlarged over the provisions of the original draft.

Conditions in Illinois are in many respects similar to those in New York state; and special arrangements for the metropolitan district in and around Chicago would seem to offer the best method of regulation. How the proposed plan of divided state and municipal control would succeed in the rest of the State is more open to question—especially in view of the fact that public utility companies are rapidly extending their field of operations beyond municipal limits. Even in the case of Chicago, the city limits do not correspond to the operating areas of the utility companies; and the dual system of state and municipal regulation would give rise to many puzzling problems. On the other hand the single state commission will find it necessary to give special attention to the Chicago situation; and it remains to be seen whether it will have any greater measure of success than the municipal authorities.

Another law authorizes municipal ownership and operation of public utilities, on a local referendum, with financial provisions similar to those in the Mueller street railway law of 1903.

*Good Roads.* Of far reaching significance is the new road law, which definitely inaugurates the policy of state aid for the construction of a state system of good roads. An unpaid state highway commission, with a state engineer and a small staff, has exercised an advisory influence in improving to some extent the character of local road work; but under the extremely decentralized methods of administration no comprehensive highway system was possible. A joint committee of the previous general assembly had made an extensive study of the sit-

uation, and submitted a bill for a general revision of the road law, proposing radical changes in the system of administration. Opposition to some features led to amendments, mainly to retain the main features of the present local administration in towns and road districts. But provision is made for a salaried state highway commission of three members, with a corps of engineers, and for county superintendents of highways to coöperate with the state commission in the construction of a system of main highways through the State. State aid will be given for such roads up to fifty per cent of the cost of construction; and appropriations amounting to \$1,400,000 have been made for the next two years. An optional provision authorizes towns and road districts to substitute a single highway commissioner in place of three.

*Appropriations.* The aggregate appropriations voted by the general assembly amounted to \$38,000,000 for the next two years. The governor disapproved appropriations amounting to \$1,130,000, leaving a net total of approximately \$37,000,000, about \$7,000,000 more than two years ago. The largest appropriations are: omnibus bill, \$12,000,000; charitable institutions \$10,000,000; university of Illinois, \$4,500,000; normal schools, \$1,400,000; state officers' salaries, \$2,600,000; good roads, \$1,400,000; penitentiaries and reformatory \$1,400,000; militia and armories \$1,000,000.

*Other Laws.* Several bills were introduced to provide a legislative reference bureau; and one of these became law, placing the bureau under a board consisting of the governor and the chairmen of the house and senate committees on judiciary and appropriations. This board will appoint a secretary and other assistants. This method of administration is a novel one for the management of such a bureau. It brings the bureau into closer official relations with the legislature; but at the same time increases the danger of political influences.

Disclosures of mismanagement in the state fish and game departments led to the passage of a law reorganizing and consolidating these into one department. A commission of four members of each house has been provided to ascertain if more efficient and economical administration may be secured by consolidating some of the numerous state bureaus and offices.

*Vetoed.* The governor disapproved twenty-three bills, and disapproved items in four appropriation bills. Among the more important bills disapproved (for unconstitutionality or other reasons) were those for park consolidation in Chicago, the women's eight-hour law, amendments to the commission government law for cities and a revised corporation bill.

*Defeated Measures.* The list of important measures urged by the governor and given serious consideration but which failed of adoption is longer than that of the important laws passed. First among these may be placed the proposed amendment to the constitution providing for the initiative and referendum. This passed the senate, but lacked one vote of receiving the required two-thirds vote in the house of representatives. A bill establishing a state tax commission in place of the present cumbrous state board of equalization passed the house, but failed in the senate. A corrupt practices bill, reached second reading in each house. Among other measures which failed were bills for a uniform system of county accounts, and for county local option on the sale of liquors.

Towards the end of the session a resolution to submit to popular vote the question of calling a constitutional convention was passed by the senate, but failed to receive the required two-thirds vote in the house. With the number of proposed amendments now urged and the serious restrictions on amending the state constitution, a convention to undertake a general revision of the constitution seems to be needed in the not distant future.

JOHN A. FAIRLIE,  
*University of Illinois.*

**Public Utilities:**<sup>1</sup> The public utility laws of different States have from time to time been described in the REVIEW. Up to the beginning of the legislative sessions of 1913, fourteen States had established commissions. Wisconsin, New York, Maryland, New Jersey, Vermont, Ohio, Washington, California, Nevada, Oregon, Kansas, New Hampshire, Connecticut and Rhode Island had such commissions; Massachusetts divided many of the same powers among three commissions and several States gave a part of the same powers to other commissions such as in Oklahoma to the corporation commissions.

The agitation for commissions was particularly strong in Pennsylvania, Indiana, Illinois and West Virginia and in each of these States legislation was expected. The first States to pass such laws this year were Indiana and West Virginia. The new Indiana law was approved March 5 and takes effect May 1. The West Virginia law was approved in February and takes effect ninety days thereafter.

<sup>1</sup>Missouri has created a public service commission, but the law was not received in time for mention in this note.